

**ASSEMBLY BILL**

**No. 1434**

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**Introduced by Assembly Member Torrico**

February 27, 2009

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An act to amend Section 2653 of the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 1434, as introduced, Torrico. Prisoners: medical treatment.

Existing law provides that if a physician employed by the Department of Corrections and Rehabilitation certifies in writing that a particular medical treatment is required for a prisoner, as specified, that order may not be modified or canceled by any other employee of the department without the approval of the chief medical officer of the institution or the physician in attendance, except as specified.

This bill would make nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2653 of the Penal Code is amended to  
2 read:  
3 2653. (a) If a physician employed by the Department of  
4 ~~Corrections or the Department of the Youth Authority and~~  
5 *Rehabilitation* certifies in writing that a particular medical  
6 treatment is required to prevent a violation of Section 147, 673,  
7 2650, or 2652, or is required to prevent serious and imminent harm  
8 to the health of a prisoner, the order for that particular medical  
9 treatment may not be modified or canceled by any employee of

1 the department without the approval of the chief medical officer  
2 of the institution or the physician in attendance unless an inmate  
3 or ward has a known history of violent or otherwise disruptive  
4 behavior that requires additional measures to protect the safety  
5 and security of the institution specified in writing by the warden  
6 or superintendent, or unless immediate security needs require  
7 alternate or modified procedures. Following any necessary  
8 modified or alternate security procedures, treatment of the inmate  
9 or ward shall be effected as expeditiously as possible.

10 Nothing in this section shall be construed to prevent a registered  
11 nurse from questioning, or seeking clarification of, an order from  
12 a physician that in the professional judgment of that nurse  
13 endangers patient health or safety, or otherwise is contrary to the  
14 professional ethics of the registered nurse.

15 (b) Any person who violates this section shall be subject to  
16 appropriate disciplinary action by the department.